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*Attorneys for Defendant Nevada Property 1 LLC  
dba The Cosmopolitan of Las Vegas*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MONICA PENA, individually,

| Case No. 2:24-cv-00408-RFB-DJA

**Plaintiff,**

VS.

NEVADA PROPERTY 1, LLC, a Nevada Limited-Liability Company d/b/a THE COSMOPOLITAN OF LAS VEGAS; DOE 10, inclusive; and ROE ENTITIES 1-10, inclusive.

### Defendants.

**(RENEWED) JOINT DISCOVERY PLAN**  
**AND SCHEDULING ORDER**

Plaintiff MONICA PENA (hereinafter, "Plaintiff") AND Defendant NEVADA PROPERTY  
1 LLC d/b/a THE COSMOPOLITAN OF LAS VEGAS (hereinafter "Defendant") by and through  
their counsel of record, hereby submit the following Joint Discovery Plan and [Proposed] Scheduling  
Order pursuant to Rule 26(f)(3) and LR 26-1(b):

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1       1.       Initial Pleadings:

2              The Complaint in this matter was filed on September 25, 2024. Defendant Nevada Property  
3       1, LLC its Answer on January 24, 2024. On February 29, 2024, Defendant Nevada Property 1, LLC  
4       filed its Petition for Removal to Federal Court Under 28 U.S.C. Section 1332 and  
5       1441(b)(Diversity). On March 18, 2024, Plaintiff filed a Motion to Remand. On October 21, 2024,  
6       this Court issued an Order denying Plaintiff's Motion to Remand. On November 8, 2024, Defendant  
7       filed an Amended Petition for Removal Under 28 U.S.C. Section 1332 and 1441(b)(Diversity).

8       2.       Meeting of Counsel Pursuant to Rule 26(f) and LR 26-1(d):

9              The Rule 26(f) conference was held on December 6, 2024. Craig Murphy, Esq. of Murphy &  
10       Murphy Law Offices participated on behalf of MONICA PENA (the "Plaintiff") and Tania G.  
11       Bonilla, Esq. of the law firm Wilson, Elser, Moskowitz, Edelman & Dicker LLP, participated on  
12       behalf of NEVADA PROPERTY 1, LLC (the "Defendant").

13       3.       Rule 26(a)(1) Disclosures:

14              The parties shall make all disclosures required by Rule 26(a)(1) no later than January 9,  
15       2025.

16       4.       Discovery Scope and Limits:

17              The parties may conduct discovery on all issues, claims and defenses raised in the pleadings  
18       filed in this matter, and any other matters reasonable calculated to lead to the discovery of  
19       admissible evidence. Parties propose that each party may propound a total of forty (40) Requests for  
20       Production in accordance with Fed. R. Civ. P. 34, forty (40) Requests for Interrogatories in  
21       accordance with Fed. R. Civ. P. 33 and forty (40) Requests for Admissions in accordance with Fed.  
22       R. Civ. P. 36.

23       5.       Discovery of Electronically Stored Information:

24              The parties have discussed the retention and production of electronic data. The parties  
25       consent to electronic service of any and all discovery documents. Said service shall be deemed  
26       completed by sending an email with the related discovery document(s) to all service addresses for  
27       counsel and counsel's staff on record with the court for the above-captioned matter at the time of  
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1 service. The parties further agree, when serving by email, if any error or delayed delivery message is  
2 received by the sending party, the party shall promptly notify the intended recipient(s) of the  
3 message and serve the pleadings or other papers by other authorized means. Further, the parties  
4 agree to present evidence in electronic format to jurors for the purposes of jury deliberations. The  
5 parties reserve the right to revisit this issue if a dispute or need arises.

6       6. Alternative Dispute Resolutions:

7       The parties certify that they conferred about the possibility of using alternative dispute  
8 resolution processes including mediation, arbitration, and if applicable, early neutral evaluation.

9       7. Issues Concerning Handling Claims of Privilege:

10      NONE.

11      8. Discovery Cut-Off:

12      The parties shall complete all discovery in this matter no later than May 7, 2025, which is  
13 180 days from October 21, 2024, the date on which Defendant filed its Amended Petition for  
14 Removal. Here Defendant “appeared” when he filed his Amended Petition for Removal to federal  
15 court on November 8, 2024.

16      9. Deadline for Amending the Pleadings and Adding Parties:

17      February 26, 2025

18      10. Rule 26(a)(2) Disclosures:

19      The parties shall disclose all expert witnesses and reports required by Rule 26(a)(2) no later  
20 than March 18, 2025. The parties shall disclose all rebuttal expert witnesses and reports no later than  
21 April 18, 2025.

22      11. Dispositive Motions:

23      Dispositive motions shall be filed no later than June 6, 2025.

24      12. Joint Pretrial Order:

25      The Joint Pretrial Order shall be filed no later than July 8, 2025, per FRCP 26(a)(3), unless a  
26 dispositive motion is filed. If a dispositive motion is filed, the Joint Pretrial Order will not be due  
27 until 30 days after the dispositive motion is decided.

13. Trial Estimate:

2 The parties estimate the trial in this case will last approximately five days. The parties hereby  
3 certify that they considered consent to a trial by a magistrate judge under 28 U.S.C. Section 636(c)  
4 and FRCP 73 and the use of the Short Trial Program (Local 26-1(b)(7)).  
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6 Dated this 31<sup>st</sup> day of December, 2024.

Dated this 31<sup>st</sup> day of December, 2024.

7 **MURPHY & MURPHY LAW OFFICES**

**WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP**

9 */s/ Craig M. Murphy*

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12 Mailing Address:  
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*/s/ Tania G. Bonilla*

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LLC

17 **IT IS SO ORDERED.**



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21 DANIEL J. ALBREGTS  
22 UNITED STATES MAGISTRATE JUDGE  
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DATED: 1/2/2025

**Kaufman, Jessica**

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**From:** Craig Murphy <craig@nvpilaw.com>  
**Sent:** Tuesday, December 31, 2024 11:55 AM  
**To:** Bonilla, Tania G.  
**Cc:** Kaufman, Jessica; Mary Fischer;  
**Subject:** PenaMonicavNevadaPropertyILLCdbaCosmopolitaZ799854@nvpilaw.filevineapp.com  
RE: RE: Monica Pena v. Nevada Property 1, LLC; 2:24-cv-00408-RFB-DJA - 26(f)  
Conference  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**EXTERNAL EMAIL** This email originated from outside the organization.

Tania:

You have great timing. I had you on my list of people to call. This looks good to me. You have my authorization to affix my signature and submit it to the Court.

Thank you.

Happy New Year.

**Craig Murphy**



“WINNING IS NO ACCIDENT”™  
Murphy & Murphy Law Offices  
Personal Injury Trial Lawyers  
(702) 369-9696 Las Vegas \* (805) 330-3393 California \* (702) 369-9630 Fax

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**From:** Bonilla, Tania G. <Tania.Bonilla@wilsonelser.com>  
**Sent:** Tuesday, December 31, 2024 11:39 AM  
**To:** Craig Murphy <craig@nvpilaw.com>